

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MANGANELLO,

**DEFENDANTS' PROPOSED
VOIR DIRE**

Plaintiff,

07 Civ. 3644 (HB)

-against-

LUIS AGOSTINI, SHAWN ABATE, MIRIAM NIEVES,
ALEX PEREZ, RICHARD MARTINEZ, DERRICK
PARKER,

Defendants.

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Defendants, pursuant to Rule 47 of the Federal Rules of Civil Procedure, submit
the following proposed questions for voir dire:

1. Please give your name.
2. Where do you live? Please provide the town and county.
3. How long have you lived there.
4. Are you employed? If yes, please describe your position? How long have
you been so employed. If you are retired, what was your last employment?
If you are unemployed, what was your last employment?
5. Do you live with someone? If yes, what is that person's occupation?
6. Are you married or do you have a domestic partner?
7. Do you have children? How many? What ages? If your children are
adults, what are their occupations?
8. Please describe your educational background, including any colleges and
graduate schools.

9. Have you ever practiced law, been a member of any bar, or attended any law school classes?
10. Do you regularly read any newspapers or magazines? What are they?
11. Do you regularly watch television? What T.V. shows do you watch?
12. What activities or hobbies do you engage in?
13. Do you belong to any organizations or clubs?
14. Have you or a family member or any close friend ever been involved in a lawsuit of any kind? If yes, please describe what the lawsuit was about and whether the result was satisfactory or unsatisfactory.
15. Have you ever been a witness for a party bringing a lawsuit? If yes, please describe the case and the nature of your [prospective] testimony.
16. Have you ever been a juror before? In a civil or criminal case? Did the case go to verdict? Were you able to participate and deliberate freely, without undue influence from the other jurors? Have you ever been on a Grand Jury? Did you actively participate in the deliberation process? Was your experience as a juror a positive or a negative experience? Would anything about your prior jury service affect your service on this case?
17. Is any member of your family or are any of your close friends a lawyer? If yes, please describe your relationship to each such person and the type of law that person practices.

18. Have you or anyone in your family ever been employed by a local, state or federal agency? If so, please describe. If so, would that prevent you from sitting impartially on this panel?
19. Have you, or has any member of your family, or have any of your friends or relatives ever worked for the City of New York or a law enforcement agency? If so, what positions were held and when?
20. Have you or a family member or any close friend ever had any interaction with the New York City Police Department, or any other police department? If so, give details, for example: being arrested, traffic stop, stopped and questioned, reporting a crime, convicted of a crime, etc. [Can be explained outside the presence of the other prospective jurors.]
21. What was the nature of the contact or interaction? What was your impression of the police officers following the interaction?
22. Do you have any bias against the NYPD or any other law enforcement agency? If so, please explain.
23. Have you formed an opinion about the NYPD based on any information you have heard or read in the media?
24. Have you ever read or heard anything reported by the media regarding the criminal proceeding brought against the plaintiff.
25. Have you or a family member or close friend ever made a complaint about a police officer, a detective or other law enforcement officer? [If so, describe outside the presence of the other potential jurors.]

26. Have you or has any member of your family or any close friend ever been the victim of a crime or a shooting? If so, please describe the circumstances.
27. Have you or any family member or any close friend ever been stopped and/or questioned by a police officer? If so, what were your feeling about that?
28. Have you or any family member or any close friend ever been arrested by the police.
29. Have you or any family member or any close friend ever been indicted by a Grand Jury.
30. Have you or any family member or any close friend ever been prosecuted for a criminal offense.
31. Have you or any family member or any close friend ever been convicted of a crime.
32. Do you know the defendants? Luis Agostini, Shawn Abate, Miriam Nieves, Alex Perez, Richard Martinez, Derek Parker?
33. Do you know any of the attorneys representing the parties in this case or their law firms?
34. Do you know the plaintiff Anthony Manganiello?
35. Do you know any of the witnesses who may be called to testify in this case? Anthony Manganiello, Mario Manganiello, Steven Colangelo, Richard Huello, Sal Miro, Rolf Ohle, Matias Colon, Luis Agostini, Shawn Abate, Richard Martinez, Derek Parker, Harry Scott, John McGovern,

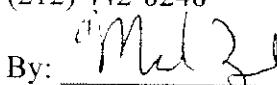
Miriam Nieves, Alex Perez, Rehana Latif, Frank Tinari, Murray Richman, Eric Rodriguez, John Bellamy, Geryl McCarthy, Christine Scaccia, Mary D'Andrea, Jaime Ortiz, Shawn Abate, Dennis Cowan, Nicholas Petraco.

36. Do you know anyone who has worked or currently works as a police officer with the New York City Police Department?
37. Do you believe that the fact that the plaintiff started this lawsuit and is here today for trial means that there must be at least some merit to the plaintiff's allegations?
38. Do you believe that a person who is injured is entitled to compensation regardless of whether the injury is anyone's fault?
39. Do you have any reason to believe that anything in your life experience would tend to make you partial to one side or the other in this case?
40. Will you be able to deliberate based solely on the evidence presented at trial and not based on any other information?
41. If, after hearing the evidence and the instructions of the judge, you found that the plaintiff may have been injured, but that plaintiff failed to prove that his injuries resulted from any unlawful conduct by the defendants, would you hesitate to return a verdict for the defendants? If so, why?
42. Would you be unable to apply the law as you are instructed to do by the Judge if you believe that the law is morally wrong?
43. Would you be able to evaluate each witness's credibility objectively, without bias or prejudice?

44. The plaintiff has the burden to prove his case. This burden never shifts to the defendants. Do you believe that this burden placed solely on the plaintiff is fair? In light of this instruction, is there any reason why you could not follow this instruction when you deliberate?
45. Is there anything which has not been asked which you would want to tell the Court about and which may be a factor in your ability to be fair and impartial in this case? You may speak to me and counsel privately if you wish.

Dated: New York, New York
June 9, 2008

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By: 
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